



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
GURIA, LLC
FOR
STAFFORD LIBERTY
Facility ID No. 3040733**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Guria, LLC for the purpose of resolving certain violations of the State Water Control Law and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Facility" means the physical location where the UST and/or UST system is installed and/or operated, known as Stafford Liberty located at 1280 Jefferson Davis Highway in Stafford County, Virginia. The Facility's UST and/or UST system are owned by Guria, LLC and the Facility is further identified by UST Facility ID# 3040733.
5. "Form 7530-2" means the Notification for Underground Storage Tanks form used by DEQ to register and track USTs for proper operation, closure and ownership, in accordance with 9 VAC 25-580-70.
6. "Guria" means Guria, LLC a limited liability company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Guria, LLC is a "person" who owns the Facility.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
8. "Operator" means any person in control of, or having responsibility for, the daily operation of the UST system as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
10. "Owner" means any person who owns an UST system used for storage, use, or dispensing of regulated substances as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
11. "Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.
12. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
13. "Regulated Substance" means an element, compound, mixture, solution or substance that, when released into the environment, may present substantial danger to the public health or welfare, or the environment, as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
14. "Regulations" means the Underground Storage Tanks: Technical Standards and Corrective Action Requirements, 9 VAC 25-580-10 *et seq.*
15. "Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

16. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code. Article 9 (Va. Code §§ 62.1-44.34:8 through 62.1-44.34:9) of the State Water Control Law addresses Storage Tanks.
17. "Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10% or more beneath the surface of the ground as defined in Va. Code § 62.1-44.34:8 and 9 VAC 25-580-10.
18. "Va. Code" means the Code of Virginia (1950), as amended.
19. "VAC" means the Virginia Administrative Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Guria is the owner of the Facility. Guria stores a regulated substance in the form of gasoline, diesel, kerosene, motor oil, automotive transmission fluid, used oil, and antifreeze in USTs at the Facility.
2. On April 12, 2019, Department staff inspected Stafford Liberty and conducted a file review of Facility records to evaluate Guria's compliance with the requirements of the State Water Control Law and the Regulations. At that time, there were eight USTs at the Facility: One 16,000 gallon UST tank containing gasoline (Tank 1CA), One 9,000 gallon UST containing gasoline (2CA), One 6,000 gallon UST containing diesel (3CB), One 4,000 gallon UST containing kerosene (4CB) One 500 gallon UST containing motor oil (5CC), One 500 gallon UST containing automotive transmission fuel (6CC), One 500 UST containing used oil (7CD) and One 500 gallon UST containing antifreeze (8CD). Tank 8CD is not regulated. DEQ staff observed the following:
 - a. Manual Tank Gauging records were not available for Tanks 5CC, 6CC, 7CD.
 - b. Based on statements made by the facility owner during the inspection and a review of available records, Manual Tank Gauging was the method of release detection, but was not being conducted on Tanks 5CC, 6CC, 7CD, at least monthly.
 - c. The facility owner indicated that the annual functionality tests had not been conducted on the automatic line leak detectors for the piping associated with Tanks 1CA, 2CA, 3CB, and 4CB.
 - d. A review of the most recent line tightness test record indicated that the test was not conducted within the past year for the piping associated with Tanks 1CA, 2CA, 3CB, and 4CB.

- e. Class A operator training documentation was not provided at the time of the inspection.
 - f. Class B operator training documentation was not provided at the time of the inspection.
 - g. Class C operator training documentation was not provided at the time of the inspection.
- 3. 9 VAC 25-580-130 requires that owners and operators must provide a method, or combination of methods, of release detection that can detect a release from any portion of the tank and the connected underground piping that routinely contains product.
 - 4. 9 VAC 25-580-140 states that owners and operators of petroleum UST systems must provide release detection for tanks and piping in accordance with the requirements of that section.
 - 5. 9 VAC 25-580-180 states that UST system owners and operators must maintain records in accordance with 9 VAC 25-580-120, including results of any sampling, testing, or monitoring, for at least one year, either at the facility and immediately available for inspection or at a readily available alternative site and available for inspection upon request.
 - 6. 9 VAC 25-580-140.2 states Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements: a. Piping installed before September 15, 2010, must meet one of the following: (1) Pressurized piping. Underground piping that conveys regulated substances under pressure must: (a) be equipped with an automatic line leak detector conducted in accordance with subdivision 1 of 9 VAC 25-580-170 (b) Have an annual line tightness test conducted in accordance with subdivision 2 of 9 VAC 25-580-170 or have monthly monitoring conducted in accordance with subdivision 3 of 9 VAC 25-580-170.
 - 7. 9 VAC 25-580-170.1 requires that an annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements.
 - 8. 9 VAC 25-580-125.C.1 states that Class A operators shall successfully complete a training course approved by the board that includes a general knowledge of UST system requirements. Training shall provide information that should enable the operator to make informed decisions regarding compliance and ensuring that appropriate persons are fulfilling operation, maintenance, and recordkeeping requirements and standards of this chapter and or federal underground storage tank requirements in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks).

9. 9 VAC 25-580-125.F states that owners and operators of underground storage tank facilities shall prepare and maintain a list of designated Class A, Class B, and Class C, operators. The list shall represent the Current Class A, Class B, and Class C operators for the UST facility. A copy of the certificates of training for Class A and Class B operators shall be on file as long as each operator serves in that capacity at the facility or three years, whichever is longer, and readily available and a copy of the facility list of Class A, Class B, and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for manned UST facilities and readily available for unmanned facilities.
10. 9 VAC 25-580-120.2.e states that owners and operators must maintain documentation of operator training required by 9 VAC 25-580-125, including verification of training for current Class A, Class B, and Class C operators, and a current list of operators and written instructions or procedures for Class C operators in accordance with 9 VAC 25-580-125.
11. 9 VAC 25-580-125.C.2. states that Class B operators shall successfully complete a training course approved by the board that includes an in-depth understanding of operation and maintenance aspects of UST systems and related regulatory requirements. Training shall provide specific information on the components of UST systems, materials of construction, methods of release detection and release prevention applied to UST systems and components. Training shall address operation and maintenance requirements of this chapter and or federal underground storage tank requirements in 40 CFR Part 280.
12. 9 VAC 25-580-125.C.3 states that, at a minimum, training provided by the tank owner or Class A or Class B operator shall enable the Class C operator to take action in response to emergencies caused by spills or releases and alarms from an underground storage tank. Training shall include written instructions or procedures for the Class C operator to follow and to provide notification necessary in the event of emergency conditions.
13. 9 VAC 25-580-125.D.3 states Class C operators shall be trained before assuming duties of a Class C operator. After September 15, 2010, written instructions or procedures shall be provided to Class C operators to follow and to provide notification necessary in the event of emergency conditions. Class C operators shall be briefed on these instructions or procedures at least annually (every 12 months), which may be concurrent with annual safety training required under Occupational Safety and Health Administration, 29 CFR Part 1910 (relating to Occupational Safety and Health Standards).
14. On May 7, 2019, the Department issued Notice of Violation No. TNRO201196 to Guria for violations listed in paragraphs C(2) through C(13), above.
15. On June 13, 2019, Department staff met with the owner of Guria, to discuss the violations, and corrective action. Following the meeting, the owner provided DEQ with the required operator training documentation.

16. Based on the results of the April 12, 2019 inspection, and the June 13, 2019 meeting, the Board concludes that Guria has violated, 9 VAC 25-580-130, 9 VAC 25-580-140, 9 VAC 25-580-180, 9 VAC 25-580-140.2, 9 VAC 25-580-170.1, 9 VAC 25-580-125.C.1, 9 VAC 25-580-125.F, 9 VAC 25-580-120.2e, 9 VAC 25-580-125.C.2, 9 VAC 25-580-125.C.3m and 9 VAC 25-580-125.D.3, as described in paragraphs C(2) through C(13), above.
17. On December 20, 2019, Guria submitted passing line tightness testing, and passing results of automatic line leak detector testing for the pressurized piping associated with Tanks 1CA, 2CA, 3CB, and 4CB. In order for Guria to return to compliance, DEQ staff and representatives of Guria have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Guria, LLC, and Guria, LLC agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$6,630.00 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
Within 30 days of execution of this Order	\$1,657.50 or balance
Within 120 days of execution of this Order	\$1,657.50 or balance
Within 210 days of execution of this Order	\$1,657.50 or balance
Within 300 days of execution of this Order	\$1,657.50 or balance

3. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Guria, LLC. Within 15 days of receipt of such letter, Guria, LLC shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order. Payments shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Guria, LLC shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Petroleum Storage Tank Fund (VPSTF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Guria, LLC shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Guria, LLC for good cause shown by Guria, LLC, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Guria, LLC, admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Guria, LLC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Guria, LLC declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Guria, LLC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Guria, LLC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Guria, LLC shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Guria, LLC shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Guria, LLC. Nevertheless, Guria, LLC agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Guria, LLC has completed all of the requirements of the Order;
 - b. Guria, LLC petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Guria, LLC.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Guria, LLC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Guria, LLC and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Guria, LLC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Guria, LLC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Guria, LLC.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Guria, LLC voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 10th day of July, 2020.



Thomas A. Faha, Regional Director
Department of Environmental Quality

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Guria, LLC voluntarily agrees to the issuance of this Order.

Date: May 11th 2020 By: [Signature]
(Person) (Title)
[Guria, LLC]

Commonwealth of Virginia
City/County of Fairfax

The foregoing document was signed and acknowledged before me this 11th day of May, 2020 by Ravinder Varma who is
General Manager of Guria, LLC on behalf of the company.

[Signature]
Notary Public
7814013
Registration No.

My commission expires: 08/31/2023

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

1. **Release Detection**

- a. Conduct monthly release detection on Tanks 5CC, 6CC, and 7CD in accordance with 9 VAC25-580-140. Provide two months of release detection records to DEQ, starting the month after execution of this Order and for two months after said date, to within 10 days of completion of the second month.
- b. Maintain all records in accordance with 9VAC25-580-120 and 180.

2. **DEQ Contact**

Unless otherwise specified in this Order, Guria, LLC shall submit all requirements of Appendix A of this Order to:

**VA DEQ, Northern Regional Office
Attention: Enforcement
13901 Crown Court
Woodbridge, VA 22193**

